

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

**REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
SEPTEMBER 2, 2003
9:00 A.M.**

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John Cook, Daniel S. Power, Vivian Rojas and Anthony W. Cobos. Absent: None. Late arrivals: Paul J. Escobar. Meeting was called to order at 9:06 a.m. and the invocation was given by Chaplain Cliff Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

MAYOR'S PROCLAMATIONS

1. Food Safety Education Month
2. Vietnam Wall Week
3. Childhood Cancer Awareness Month

No action was taken on the discussion and action on demand that the law firm Bracewell & Patterson make an immediate, full disclosure of all potential conflicts of interest between City of El Paso and their client Jobe Concrete Products, Inc. and make an immediate, full disclosure of each and every reason why they have heretofore failed to disclose potential conflicts of interest between Jobe Concrete Products, Inc. and the City of El Paso. [Taylor Moore]

Mr. Taylor Moore, citizen, noted that the City of El Paso utilized the same lobbyists as Jobe Concrete Products and noted that the City of El Paso conducted a substantial amount of business with Jobe Concrete Products. He requested that the City of El Paso demand that the law firm Bracewell & Patterson provide, in writing, a full disclosure of all potential conflicts of interest between the its client, the City of El Paso, and its client, Jobe Concrete Products; additionally, he requested that the firm provide an explanation as to why that disclosure of potential conflicts had not been forthcoming sooner.

Mayor Joe Wardy remarked that the firm had provided a written statement addressing those concerns and provided a copy of that document to Mr. Moore.

Motion made by Representative Austin, seconded by Representative Cook and unanimously carried to suspend the Rules of Order regarding electronic voting for the remainder of the meeting.

(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

*RESOLUTION

That certain office and warehouse space containing 6292 square feet, more or less and also known as Air Cargo Center, 301 George Perry Blvd., Suite G; the exclusive right to use the loading dock and 2,600 square feet, more or less, of vehicle parking space directly in front of said Air Cargo Center; the non-exclusive right to use 53,360 square feet, more or less, of the aircraft parking apron and ground service equipment parking apron directly behind said Air Cargo Center; and the non-exclusive right to use a portion of the vehicle parking area, and the roadway, located in front of and adjacent to said Air Cargo Center, such portion to be commensurate with Lessee's share of warehouse and office space as to that leased to the tenants that share common use of this vehicle parking area.

That the Mayor be authorized to sign a Mutual Lease Termination covering the Non-Commercial Aviation Ground Lease between the City of El Paso ("Lessor") and C & M Airway, Inc. ("Lessee") for the property described as Lot 25 and the West half of Lot 26, Block 4, El Paso International Airport Tracts, Unit 2, City of El Paso, El Paso County, Texas.

That the Mayor be authorized to sign the Lessor's Approval of Sublease between City of El Paso ("Lessor"), Cutter Aviation El Paso, LLC., ("Sublessor"), and Ryan International Airlines, ("Sublessee") for office space located in the premises currently leased to the Sublessor municipally known and numbered as 6835 Boeing Drive, El Paso, Texas.

8232 McElroy Avenue	\$6,869.94	Maria Baxley, Executrix of the Estate of Angelica Reyes
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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Request submitted on August 25, 2003, by the El Paso County Medical Society for an awareness rally at the County Courthouse, 500 East San Antonio Avenue beginning at 12:00 noon and continuing until 1:00 p.m. on Thursday, August 28, 2003.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Motion made, seconded and unanimously carried to move to the regular agenda the following:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Representative Cushing questioned the need for a four-year contract at \$20,000.00 plus consultant fees.

Mr. Bill Chapman, Deputy CAO of Financial and Administrative Services/Chief Financial Officer, responded that the City had utilized MAXIMUS, Inc. previously and noted that due to the sophistication of the software program, MAXIMUS, Inc. was the recommended vendor.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign on behalf of the El Paso City-County Health and Environmental District, the following contract amendments and renewals with the Texas Department of Health:

Bureau of Regional/Local Health Operations
Document No. 7460007499-2003, Attachment No. 01A

Bureau of Tuberculosis Prevention
Document No. 7460007499-2004 Attachment No. 08

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign on behalf of the El Paso City-County Health and Environmental District, the following contract amendment and renewal with the Texas Department of Health:

Bureau of Epidemiology – Childhood Lead Poisoning Prevention
Document No. 7460007499-2004, Attachment No. 05

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a **Third Amendment** to an Agreement for Engineering Services by and between the **CITY OF EL PASO** and **BORUNDA & ASSOCIATES, INC.**, for a project known as **“Magoffin Neighborhood Revitalization- Electrical”**, in an amount not to exceed EIGHT THOUSAND EIGHT HUNDRED THIRTY-FIVE and NO/100 DOLLARS (\$8,835.00).

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **AGUSTIN GALLEGOS**, to assist the El Paso Public Library as a PC/LAN Specialist II, at a biweekly rate of \$1,615.38, for 40 hours per week. The term of the contract shall be for the period of September 8, 2003 through September 7, 2004.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an application to the Barbara Bush Foundation for Family Literacy (“the Foundation”) for a grant in the total amount of \$50,752 for the term of June 1, 2004, through May 31, 2005, and that the Mayor be authorized to sign any required contracts and related documents to accept funding of that amount or any lesser amount approved by the Foundation. The funds will be used for the “I’m Learning! / Estoy Aprendiendo!” program to provide t-shirts and baby board books to participants and to cover promotional costs. No City matching funds are required.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **LARRY E. ROMERO** as Economic Development Assistant Director for Economic Development at a biweekly rate of \$2,305.49, for 40 hours per week. The term of the contract shall be for the period of September 12, 2003 through March 12, 2004. Subject to the concurrence of the Civil Service Commission.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City sponsor the third annual "God Bless America" memorial and unity event ("the Event") on September 14, 2003, from 2:00 p.m. to 5:00 p.m. at the Andy and Syd Cohen Center, and that the participation of Police and Fire personnel and equipment in the Event is hereby authorized. The City acknowledges that such use of the Cohen Center shall constitute one of the dates reserved for the public's use of the Public Access Facilities as a "City-sponsored event" under the terms of the Lease Agreement dated December 29, 1989, and thereafter amended, between the City and El Paso Baseball Club, L.L.C. The user fee of \$800.00 for the Event will be paid for with Discretionary Funds.

Representative Cook urged all Council Members to attend and highlighted events that would be taking place at the third annual "God Bless America" memorial and unity event to be held on Sunday, September, 14th, 2003.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to approve the above Resolution.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor will be the authorized official and will have the authority to apply for, accept, reject, alter, or terminate a grant for a Juvenile Compliance Project in the amount of \$24,048.00 from the Office of the Governor, Criminal Justice Division; and designate Richarda Duffy Momsen as the Project Director under the grant. The purpose is to continue second year of 421 State Funding for this Municipal Court program to monitor juvenile offenders and community service sentences. The City agrees that in the event of loss or misuse of grant funds, the funds will be returned in full to the Office of the Governor, Criminal Justice Division. The City of El Paso agrees to match funds in the amount of \$26,052.00 for a total project amount of \$50,100.00.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

*RESOLUTION

That the Mayor be authorized to sign the "Park Partner" Agreement with the following organization for maintenance and other services on City property as described in the Agreement:

and that the Mayor be further authorized to sign additional documents and take additional action necessary to fulfill the purpose of this contract.

*RESOLUTION

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contract on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for this contract is in fiscal year **2003/2004** appropriations to be approved by the City Council and the Civil Service Commission.

1. CONTRACTOR: Gloria Andrade, Daycare Assistant Instructor, Step 1
 DATES: September 1, 2003, thru August 31, 2004
 RATES PER HR: \$5.90
 CONTRACT NO: **2003/2004-014**

*RESOLUTION

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contract on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for this contract is in fiscal year **2003/2004** appropriations to be approved by the City Council and the Civil Service Commission.

1. CONTRACTOR: Margie Landavazo, Pre-School Instructor, Step 6
 DATES: September 1, 2003, thru August 31, 2004
 RATES PER HR: \$7.70
 CONTRACT NO: **2003/2004-015**

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council and the Civil Service Commission.

NOLAN RICHARDSON RECREATION CENTER

DEPARTMENT ID: 51510074, ACCOUNT: 501011

1. CONTRACTOR: Alma Gonzalez, Daycare Instructor Aide, Step 1
DATES: September 2, 2003, thru August 31, 2004
RATES PER HR: \$5.35
CONTRACT NO: **2003/2004-023**
2. CONTRACTOR: Belinda Fisher, Daycare Instructor Aide, Step 6
DATES: September 2, 2003, thru August 31, 2004
RATES PER HR: \$6.60
CONTRACT NO: **2003/2004-024**
3. CONTRACTOR: Ofelia C. Losoya, Daycare Director, Step 4
DATES: September 2, 2003, thru August 31, 2004
RATES PER HR: \$8.65
CONTRACT NO: **2003/2004-025**
4. CONTRACTOR: Evelyn Peña, Daycare Instructor Aide, Step 2
DATES: September 2, 2003, thru August 31, 2004
RATES PER HR: \$5.60
CONTRACT NO: **2003/2004-026**

NORTHEAST RECREATION CENTER

DEPARTMENT ID: 51510107, ACCOUNT 501011

5. CONTRACTOR: Alisha Cook, Daycare Instructor Aide, Step 2
DATES: September 2, 2003, thru August 31, 2004
RATES PER HR: \$5.60
CONTRACT NO: **2003/2004-027**

PAVO REAL RECREATION CENTER

DEPARTMENT ID: 51510115, ACCOUNT 501011

6. CONTRACTOR: Martina Avila, Daycare Instructor Aide, Step 1
DATES: September 2, 2003, thru November 30, 2003
RATES PER HR: \$5.35
CONTRACT NO: **2003/2004-028**
7. CONTRACTOR: Susie Ann Prado, Daycare Instructor Aide, Step 1
DATES: September 2, 2003, thru March 1, 2004
RATES PER HR: \$5.35
CONTRACT NO: **2003/2004-029**

8. CONTRACTOR: Alejandra G. Reta, Pre-School Instructor, Step 1
DATES: September 2, 2003, thru August 31, 2004
RATES PER HR: \$6.45
CONTRACT NO: **2003/2004-030**

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT: 501011

1. CONTRACTOR: Abraham Barragan, Pool Attendant, Step 2
DATES: October 1, 2003 through September 31, 2004
RATE PER HR: \$5.60
CONTRACT NO: **2003/2004-038**
2. CONTRACTOR: Sylvia Beltran, Lifeguard, Step 2
DATES: October 1, 2003 through September 31, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-039**
3. CONTRACTOR: Frank Bermudez, Swim Instructor, Step 3
DATES: October 1, 2003 through September 31, 2004
RATE PER HR: \$5.65
CONTRACT NO: **2003/2004-040**
4. CONTRACTOR: Sabrina Cox, Pool Attendant, Step 4
DATES: October 1, 2003 through September 31, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-041**
5. CONTRACTOR: Lucas P. Ellison, Pool Attendant, Step 1
DATES: October 1, 2003 through September 31, 2004
RATE PER HR: \$5.40
CONTRACT NO: **2003/2004-042**
6. CONTRACTOR: Lecretia Graves, Lifeguard, Step 2
DATES: October 1, 2003 through September 31, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-043**
7. CONTRACTOR: Gabriel A. Murillo, Swim Instructor, Step 1
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-044**

8. CONTRACTOR: Ramon J. Takamatsu, Lifeguard, Step 4
DATES: October 1, 2003 through September 30, 2004
RATES PER HR: \$6.40
CONTRACT NO: **2003/2004-045**
9. CONTRACTOR: Lauren A. Tenneson, Lifeguard, Step 2
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-046**

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT: 501011

1. CONTRACTOR: Naomi Nieto, Lifeguard, Step 3
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$6.20
CONTRACT NO: **2003/2004-047**
2. CONTRACTOR: Tracy Flores, Swim Instructor, Step 1
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-048**
3. CONTRACTOR: Alejandro Valadez, Pool Attendant, Step 1
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$5.40
CONTRACT NO: **2003/2004-049**
4. CONTRACTOR: Vanessa Valenzuela, Swim Instructor, Step 1
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-050**
5. CONTRACTOR: Justin R. Berry, Senior Lifeguard, Step 3
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$7.00
CONTRACT NO: **2003/2004-051**
6. CONTRACTOR: Jose A. Macias, Lifeguard, Step 2
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-052**

7. CONTRACTOR: Benjamin Ramirez, Pool Attendant, Step 2
DATE: October 1, 2003 through September 30, 2004
RATE PER HR: \$5.60
CONTRACT NO: **2003/2004-053**
8. CONTRACTOR: Jacob W. Heller, Lifeguard, Step 3
DATE: October 1, 2003 through September 30, 2004
RATE PER HR: \$6.20
CONTRACT NO: **2003/2004-054**
9. CONTRACTOR: Michael G. Naylor, Lifeguard, Step 2
DATE: October 1, 2003 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-055**

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT: 501011

1. CONTRACTOR: Omar Alba, Lifeguard, Step 3
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$6.20
CONTRACT NO: **2003/2004-056**
2. CONTRACTOR: Raymundo Arango, Swim Instructor, Step 2
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$5.50
CONTRACT NO: **2003/2004-057**
3. CONTRACTOR: Luis Arzola, Pool Attendant, Step 2
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$5.60
CONTRACT NO: **2003/2004-058**
4. CONTRACTOR: Adriana Blackburn, Senior Lifeguard, Step 4
DATES: October 1, 2003 through September 30, 2004
RATE OF HR: \$7.20
CONTRACT NO: **2003/2004-059**
5. CONTRACTOR: Michelle Cabral, Lifeguard, Step 2
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-060**

6. CONTRACTOR: Melissa Castaneda, Swim Instructor, Step 2
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$5.50
CONTRACT NO: **2003/2004-061**
7. CONTRACTOR: Evelyn Chavez, Swim Instructor, Step 1
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-062**
8. CONTRACTOR: Ruby Cobos, Lifeguard, Step 3
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$6.20
CONTRACT NO: **2003/2004-063**
9. CONTRACTOR: Steven Duran, Lifeguard, Step 2
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-064**
10. CONTRACTOR: Audrey Flores, Lifeguard, Step 2
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-065**
11. CONTRACTOR: Linda A. Gray, Swim Instructor, Step 1
DATES: October 1, 2003 through September 30, 2003
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-066**
12. CONTRACTOR: Ana Guerra, Pool Attendant, Step 2
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$5.60
CONTRACT NO: **2003/2004-067**
13. CONTRACTOR: Moises Gutierrez, Lifeguard, Step 3
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$6.20
CONTRACT NO: **2003/2004-068**
14. CONTRACTOR: Kyle Harville, Lifeguard, Step 2
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-069**
15. CONTRACTOR: Lauren Harville, Lifeguard, Step 3
DATES: October 1, 2003 through September 30, 2004
RATE PRE HR: \$6.20
CONTRACT NO: **2003/2004-070**

16. CONTRACTOR: Adrian Loya, Lifeguard, Step 3
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$6.20
CONTRACT NO: **2003/2004-071**
17. CONTRACTOR: Jason Martinez, Lifeguard, Step 2
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-072**
18. CONTRACTOR: Blanca Y. Mendoza, Pool Attendant, Step 1
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$5.40
CONTRACT NO: **2003/2004-073**
19. CONTRACTOR: Maria Moncivais, Pool Attendant, Step 2
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$5.60
CONTRACT NO: **2003/2004-074**
20. CONTRACTOR: Michael Ontiveros, Lifeguard, Step 2
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-075**
21. CONTRACTOR: Christina Pina, Swim Instructor, Step 1
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-076**
22. CONTRACTOR: David Rivera, Lifeguard, Step 3
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$6.20
CONTRACT NO: **2003/2004-077**
23. CONTRACTOR: Edgar Rodriguez, Swim Instructor, Step 1
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-078**
24. CONTRACTOR: Carlos Rosales, Lifeguard, Step 2
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-079**
25. CONTRACTOR: Vanessa Rosales, Lifeguard, Step 2
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-080**

26. CONTRACTOR: Estefani M. Sandoval, Lifeguard, Step 2
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-081**
27. CONTRACTOR: Endi M. Silva, Pool Attendant, Step 2
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$5.60
CONTRACT NO: **2003/2004-082**
28. CONTRACTOR: Guillermo Soriano, Pool Attendant, Step 2
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$5.60
CONTRACT NO: **2003/2004-083**
29. CONTRACTOR: Angelica Vazquez, Swim Instructor, Step 1
DATES: October 1, 2003 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-084**

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Stating that the Mayor be authorized to sign a 1st Amendment to the Texas Historical Commission Grant Contract #01-16444-007 by and between the City of El Paso and the Texas Historical Commission. This Amendment changes Section IV, Amount of Contract, from \$10,500.00 to \$15,068.36; changes the required match from the City of El Paso from \$14,500.00 to \$0; and changes Section XII, Amount of the Contract, to read "The total amount of this contract shall not exceed \$15,068.36."

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Texas Highway Traffic Safety Program Grant Agreement, including all necessary documents, letters, understandings and assurances contained therein, and accept a grant in the amount not to exceed \$59,477.00 from the Texas Department of Transportation, for a Safe Communities project to educate the public in an effort to curb attitudes and perceptions regarding traffic incidents and fatalities by evaluating local crash information and to conduct pedestrian safety and occupant protection education and enforcement; that the Chief of Police be authorized to sign and submit any necessary revisions to the operational plan; that the grant officials be as designated in the agreement; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. In kind match required in the amount of \$38,968.00.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Texas Highway Traffic Safety Program Grant Agreement, including all necessary documents, letters, understandings and assurances contained therein, and accept a grant in the amount not to exceed \$240,852.00 from the Texas Department of Transportation, for a Comprehensive Traffic Control STEP Enforcement grant to conduct comprehensive traffic enforcement programs focusing on DWI, speeding, intersection violations and occupant protection; that the Chief of Police be authorized to sign and submit any necessary revisions to the operational plan; that the grant officials be as designated in the agreement; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. In kind match required in the amount of \$142,372.00.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, the El Paso Police Department's law enforcement personnel require training for the purpose of carrying out their duties:

WHEREAS, the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) may issue an academy license for the specific purpose of training peace officers; and

WHEREAS, the El Paso Police Department's training facilities known as the Police Academy meet all licensing requirements as set forth by TCLEOSE.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City of El Paso has established and supported the Police Academy and continues to support and endorse the continuation of its operation.

***RESOLUTION**

WHEREAS, the Police Department canine, "Dusty," is ten years old and has served the City well for the past eight years; and

WHEREAS, due to age, "Dusty" is experiencing medical problems and needs to retire from his duties as a police canine; and

WHEREAS, "Dusty" has no value to the City to be sold or traded as a working police canine and due to the benefits "Dusty" will receive from being retired to his handler, City policy authorizes the transfer to his handler at no cost; and

WHEREAS, transferring "Dusty" to his handler is in the best interests of "Dusty" and allows the Police Department to dispose of the dog without facing the possibility that he would have to be destroyed; and

WHEREAS, his handler shall assume all responsibility and risk of liability associated with the keeping of "Dusty."

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

That the retirement of the Police Department canine "Dusty" by transferring him to his handler is authorized at no cost.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 7th day of October, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 9330 Dyer Street, in El Paso, Texas, which property is more particularly described as:

Tract: 2M, Section 2, Block 81, Township 2, Texas and Pacific Railway Company Surveys,
an Addition to the City of El Paso, El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Evelyn M. Puca, 3222 Shetland Road, El Paso, Texas 79925, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- l) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;

- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Representative Cook questioned Ms. Carmen Perez, attorney with Delgado, Acosta, Spencer, Linebarger, Heard & Perez LLP, as to how \$.5 million dollars in unpaid taxes had accrued.

Ms. Perez provided Representative Cook a history regarding the property and stated the current value of the property was \$188,495.00. She would provide Representative Cook with a written chronological history regarding the property.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to approve the above Notice of Public Hearing. Representative Power was not present for the vote.

.....
*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 30th day of September, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3210 Shetland Road, in El Paso, Texas, which property is more particularly described as:

Lot: 6, Block 36, Scotsdale #3

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Cesar V. & Yolanda Fernandez, 3210 Shetland Road, El Paso, Texas 79925, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
*Motion made, seconded and unanimously carried to approve the request to allocate Six Hundred Ninety Dollars (\$690.00) from District IV Discretionary Funds to the El Paso Fire Department to purchase pins for Public Relations purposes for use during their travels to the Fire Fighters Combat Challenge Competition.

.....
*Motion made, seconded and unanimously carried to approve the request to allocate Five Hundred Dollars (\$500.00) from District IV Discretionary Funds to the El Paso Police Department, Northeast Regional Command Center, for use in their "Pride Day" activities.

.....

*Motion made, seconded and unanimously carried to approve use of District 6 discretionary funds in the amount of \$2,000 (\$1,000 for Mission Valley Regional Command Center and \$1,000 for Pebble Hills Regional Command Center) for the purpose of the Police Department's "Pride Day" being held October 18, 2003.

*Motion made, seconded and unanimously carried to approve use of District 6 discretionary funds in the amount of \$1,000 for El Paso Fire Department to assist with transportation cost to the Fire Fighters Combat Challenge event, to take place in Ottawa, Ontario, Canada, November, 2003.

*Motion made, seconded and unanimously carried to approve the request from Fernando Lozano of the El Paso Water Utilities Department for Special Sick Leave.

*Motion made, seconded and unanimously carried to approve the request from Angel De La Cruz of the Fleet Services Department for Special Sick Leave.

*Motion made, seconded and unanimously carried to appoint Bernie Olivas to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Paul J. Escobar.

*Motion made, seconded and unanimously carried to appoint Roberto Ochoa, MD, to the Fire Medical Services Policy Board by Representative Jose Alexandro Lozano.

*Motion made, seconded and unanimously carried to delete the appointment of Walter Tippin, DDS, to the El Paso City County Board of Health by Representative Jose Alexandro Lozano.

*Motion made, seconded and unanimously carried to appoint Pete Flores to the El Paso Public Arts Commission by Representative Jose Alexandro Lozano.

*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #E014-999-0230-3300, \$599.12 per month installments on a balance of \$21,568.32 for 1995, 1996, 1997, 1998, 1999, 2000, 2001 & 2002 taxes; Juanita S. R. Fernandez – 115 Copia St. Rear.
- B. PID #L314-999-0210-9100, L314-999-0210-7100 & L314-999-0220-2100, \$756.88 per month installments on a balance of \$4,541.28 for 2001 & 2002 taxes; Arturo Orozco 4532 - Rosa.
- C. PID #M794-999-1070-9100, \$284.38 per month installments on a balance of \$3,412.56 for 2001 & 2002 taxes; Eduardo Alcala – 3800 Truman.
- D. PID S059-000-0010-2300, \$137.56 per month installments on a balance of \$3,301.44 for 1997, 1998, 2000, 2001 & 2002 taxes; Samuel G. & Maria Garcia – 10309 McKesson.
- E. PID #S996-000-0010-0700, \$368.44 per month installments on a balance of \$13,263.84 for 1999, 2000 & 2001 taxes; Guadalupe & Maria P. Pacheco – 149 Villalobos Rd.
- F. PID #T172-999-0120-3900, \$180.74 per month installments on a balance of \$2,168.88 for 2001 & 2002 taxes; Henry H. & Veronica G. Leyva – 10077 Jamaica St.
- G. PID #'s X091-999-000A-6550 & X091-999-000A-6500, \$715.53 installments on a balance of \$7,155.30 for 2000, 2001 & 2002 taxes; Rey Cruz – 3998 Doniphan.
- H. PID #0824-999-0526-0034, \$473.26 per month installments on a balance of \$2,839.56 for 1994, 1995, 1996, 1997 & 1998 taxes; JB's Lounge % Ralph Silva – 6746 Edgemere.

Motion made, seconded and carried to move to the regular agenda RFP No. 2003-082R Planning and Project Management Services for the Quality of Life Projects

Representative Cushing requested the RFP be discussed in conjunction with the Resolution that the Mayor be authorized to sign a Planning and Project Management Services Agreement by and between the City of El Paso and Perspectiva + 3D/I, in connection with the 2000 Quality of Life (QOL) Bond Issue Program.

Mr. Bill Chapman, Deputy CAO of Financial and Administrative Services/Chief Financial Officer, provided PowerPoint presentation (copy on file in the City Clerk's office) and responded to Council Member's questions.

Representatives Cook, Cushing, Cobos, Austin, and Power asked questions of Mr. Chapman and Mr. Jim Martinez, Chief Administrative Officer, in addition to providing comments.

Mr. Jim Martinez, Chief Administrative Officer, responded to questions and comments from Council Members.

Mayor Joe Wardy commented that the scope of services regarding the Plaza Theatre renovation and Quality of Life Bond projects were not comparable.

Ms. Patricia Adatao, Deputy CAO for Building and Planning Services, proposed two changes to the Agreement and read those changes into the record.

Mr. Eugenio Mesta, President of Perspectiva, noted that Perspectiva and 3D/International would split the project 50-50. He added that 90% of Perspectiva personnel working on the Quality of Life Bond projects would be local persons living in El Paso. He thanked Council Members for their support.

Ms. Gloria Barrera, Vice President of 3D/I, emphasized that the partnership with Perspectiva was 50-50.

Motion made by Representative Cook, seconded by Representative Cobos and carried to approve, as amended, RFP No. 2003-082R Planning and Project Management Services for the Quality of Life Projects

AYES: Representatives Austin, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: Representative Cushing

Award to: 3D/International / Perspectiva
Houston / El Paso, Texas
Amount: \$4,464,993.00 (not to exceed)

Funds available: 2000 General Obligation Authorization for Quality of Life Projects
Total award: \$4,464,993.00 (not to exceed)

The Evaluation Committee, based on evaluation factors established for this RFP, recommends award to 3D/International / Perspectiva.

Additionally, it is requested authorization that the Mayor be authorized to execute any related contract documents and agreements necessary during the contract.

In addition, it is requested that the Mayor and Staff be authorized to execute budget transfers for this award and project, as necessary.

NOTE: Amount was revised from "\$4,464,000.00" to "4,464,993.00".

.....
*Motion made, seconded and unanimously carried to award Bid No. 2003-181 135-Ton Hydraulic Ironworker Machine

Award to: Alamo Iron Works
San Antonio, TX
Item (s): 1
Amount: \$32,320.00

Department: Department of Aviation
Funds available: 62620020-41022-508008-P500004
Funding source: Airport FY03 Capital Funds
Total award: \$32,320.00

The Department of Aviation and the Purchasing Department recommend award as indicated. They are the low, responsive and responsible bidder meeting specifications.

This is a fixed-price, single (one-time) purchase, for the purchase of one 135-Ton Hydraulic Ironworker Machine for the Department of Aviation.

Vendor does not offer a prompt payment discount. No option was offered to purchase additional quantity of items.

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*Motion made, seconded and unanimously carried to award Bid No. 2003-191 Aluminum Sign Blanks

Award to: Customs Products Corporation
Jackson, MS
Item (s): #1 thru #12 (all)
Amount: \$72,692.00 (estimated total)

Department: Street
Funds available: 32010287-503203
Funding source: General Funds
Total award: \$72,692.00

The Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Twenty-Four (24) months.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2003-202 Volar Building – T. A. S.

Contractor: Beltran Electrical Contractors Inc.
El Paso, TX
Department: Municipal Services
Funds Available: PPW0050003-508027-27223
Funding Source: FY 2001 Certificate of Obligations
Items: Base Bid \$79,000.00
Total Award: \$79,000.00

The Departments of Purchasing and Municipal Services recommend the award of this contract to Beltran Electrical Contractors, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2003-940 POLICE
This transfer will allocate the interest earned (\$9,460.00) and the estimated interest from now to the end of the grant (\$3,140.00) so that these funds can be utilized prior to the ending date of the grant.

Increase	\$12,600.27	to	1150048/G21022305335/405066	Interest Revenue
Increase	\$12,600.27	to	21150048/G21022305335/508010	Data Processing

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2003-941 POLICE
This transfer will establish an estimated level of authorization to pay funds that have been turned in to the Property Office.

Increase	\$250,000	to	21150083/P50025016374/212412	PD Property Div
Increase	\$250,000	to	21150083/P50025016374/504406	Other Svc/Chgs

.....
*Motion made, seconded and unanimously carried to approve the request of Hanks High School to hold a Homecoming Parade on September 11, 2003 from 6:00 p.m. to 7:00 p.m. Route: Start at Firestone Parking lot on Pebble Hills and Lee Trevino, turn right on Lee Trevino to Anise and finish at Hanks High School. Approximately 400 persons, 20 vehicles, 5 animals will take part and 2000 spectators are anticipated. PERMIT NO. 03-121 [Mary Ann Olivas]

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*Motion made, seconded and unanimously carried to approve the request of Juvenile Diabetes Research Foundation to hold a Fun Walk on September 20, 2003 from 8:00 a.m. to 11:00 a.m. Route: Start at Sunland Park Mall Parking lot, turn right on Mesa Hills Dr, turn right on Cabaret, turn right on Carousel, turn right on Rubin, turn right on Sun Crest, turn left on Wallenberg, turn left on Mesa Hills Dr. and finish at Sunland Park Mall Parking lot. Approximately 1000 persons will take part. PERMIT NO. 03-119 [Lisa De Antona]

.....
*Motion made, seconded and unanimously carried to approve the request of Girl Scouts of the Rio Grande to block off Boone St. between Altura and Manchester on September 6, 2003 from 4:00 p.m. to 7:00 p.m. for a block party. Approximately 20-30 persons, 5-10 vehicles will take part and 100 spectators are anticipated to attend. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 03-124 [Dawna Rodriguez]

.....
*Motion made, seconded and unanimously carried to approve the request of Rim-University Neighborhood Association to block off 799 block of Blacker between Ochoa and Virginia on September 14, 2003 from 5:30 p.m. to 8:30 p.m. for a block party. Approximately 200 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices." PERMIT NO. 03-125 [E.R. Lilly]

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance vacating a portion of Glenwood Drive adjacent to Blocks 1 and 2, Alameda Acres, Map of Hughes Subdivision, City of El Paso, El Paso County, Texas.

- B. An Ordinance vacating a portion of Redd Road right-of-way, adjacent to Lot 2, Block 1, Ten Redd Commercial Park Subdivision, (200 Block of Redd Road), City of El Paso, El Paso County, Texas.

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 16, 2003 FOR ITEMS A – B

Representative Escobar was not present for the vote.

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....
Motion made by Representative Cushing, seconded by Representative Lozano and carried to direct the City Attorney's Office to review State law to determine if there are any conflicts in establishing a business registration procedure for annual tracking of active, type and scale of businesses.

AYES: Representatives Cushing, Lozano, Power, Escobar, Rojas and Cobos
NAYS: Representatives Austin and Cook

Representative Lozano noted that a database listing the various types of businesses currently operating in the City of El Paso did not exist and added that said database would provide that information for economic development purposes. He suggested that the City coordinate with the County, the Chambers of Commerce and others in gathering the necessary data. He noted that restaurant and bar owners were required to be licensed and registered and required to pay the \$175.00 annual fee.

Representative Cobos explained that businesses located within Empowerment and HUB Zones may not be aware of tax deductions afforded them and stated that a database noting that information would be highly beneficial. He commented on individuals selling wares at "Swap Meets" and added those individuals do not pay sales tax. He remarked that a licensing/registration type Ordinance would "umbrella" sexually oriented businesses. He requested that the City of El Paso send information to businesses located within the Empowerment Zone in order to inform those businesses of benefits allowed them.

Representative Cook commented on the proposed fee to be imposed on these businesses and enumerated the costs incurred to food establishments, notably \$125.00 annual fee, \$75.00 fee for each food managers, food handler's cards, \$40.00 to prove connection to the City's water and sewer, \$45.00 inspection fee.

Representative Escobar commented that businesses not located near a fire hydrant would be required to pay for fire hydrant installation.

Mr. Said Larbi-Cherif, Interim Director of Building Permits & Inspections Department, concurred with Representative Escobar's comment.

Representative Cushing questioned whether or not State law would prevent the City from enacting such a database. He noted that the City would be providing a "Chamber of Commerce" for all businesses located within the City of El Paso.

Ms. Lisa Elizondo, City Attorney, remarked that the City Attorney's office would investigate Representative Cushing's request and provide Council Members with a report on their findings.

Ms. Pat A. Adauto, Deputy CAO for Building and Planning Services, explained that the Empowerment Zone may have their own database and suggested that the matter be forwarded to the Building and Zoning Advisory Committee for further discussion on a proposed Ordinance.

Representative Rojas questioned whether or not the Hispanic Chamber of Commerce or the Greater El Paso Chamber of Commerce would have this type of information already in place.

Representative Cook noted that the Hispanic Chamber of Commerce had surveyed five corridors and businesses located within those corridors and remarked that the private sector might better suited to generate the database.

Representative Escobar remarked that the Hispanic Chamber of Commerce incurred problems due to business owners being leery of releasing that information.

Representative Cobos added that it would behoove the City to gather the data and leverage that data in order to grow small businesses in the City.

Representative Lozano requested a Building Permits & Inspection Legislative Review meeting be scheduled and to include the BZAC, Chambers of Commerce and the County at that meeting.

Representative Austin noted that timing of the issue might be construed as a revenue raising effort and suggested referring the matter to the BZAC.

Representative Cushing moved to instruct Legal to research State law and determine what the limitations on moving forward on the proposition might be, specifically regarding the fee structure for all businesses, and what the requirements might be. Representative Lozano seconded.

Ms. Richarda Momsen, City Clerk, reiterated Representative Cushing's motion as follows: To refer the item to the City Attorney's office to determine any conflict with State law.

Ms. Lisa Turner, citizen, stated that the issue could be considered a tax increase and noted that the majority of restaurants fail within five years and that trying to maintain a database would be a waste of time and effort. She stated that El Paso was an ideal location for major corporations due to its proximity to Pacific, Atlantic and Gulf of Mexico ports, bordering a NAFTA country and questioned why El Paso had a 13% unemployment rate. She stated that citizens wanted major corporations to come and bring decent living wages that would greatly benefit the community.

Representative Escobar commented that the City did not highlight the many specialized tourist attractions and stated that a specialized tourist attraction database might be something to pursue in the future.

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ORDINANCE 15539

The City Clerk read an Ordinance entitled: **AN ORDINANCE CREATING THE INFORMATION TECHNOLOGY ADVISORY BOARD.**

Representative Cushing stated that the City of El Paso pivoted around information technology and added that the Council Members required independent advisory opinions from those individuals appointed to the Board.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cushing, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
Motion made, seconded and unanimously carried to move to the forefront the following:

An Ordinance to amend Title 5 of the City of El Paso Municipal Code, by adding thereto Chapter 5, Regulation of Sexually Oriented Businesses; and to repeal all Ordinances or parts of Ordinances in conflict herewith or contrary thereto

Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to postpone four (4) weeks an Ordinance to amend Title 5 of the City of El Paso Municipal Code, by adding thereto Chapter 5, Regulation of Sexually Oriented Businesses; and to repeal all Ordinances or parts of Ordinances in conflict herewith or contrary thereto and to encourage the Mayor to have Mr. Bergthold be present at the next City Council meeting and to post an Executive Session item.

Ms. Laura Gordon, Deputy City Attorney, explained that the City of El Paso had retained the services of Mr. Scott Bergthold, an expert on the regulation of adult businesses. She noted that Council Members had provided numerous revisions to the draft Ordinance and requested that Mr. Bergthold be given additional time to review those revisions.

Representative Cook requested that the Mayor post an Executive Session item for the September 9, 2003 City Council Agenda to address the Council Members.

Representative Austin questioned the billing rate of Mr. Scott Bergthold.

Ms. Gordon responded \$175.00 per hour and added that, to date, \$3,500.00 had been paid to Mr. Bergthold for the review of the City's preliminary draft of the Ordinance.

Representative Cook requested that members of the public be allowed to speak.

Representative Cobos requested that one individual in favor of the Ordinance and one individual opposed to the Ordinance be allowed to speak and noted that Mr. Bergthold was requesting additional time in order to provide the taxpayers of El Paso with a foolproof Ordinance.

Mayor Joe Wardy stated that the taxpayers of El Paso had requested that the Council spend their monies wisely and noted that the City of Houston had spent millions on its sexually oriented business Ordinance. He added that with a strong Ordinance, the City of El Paso would not necessitate spending additional monies defending the Ordinance in a court of law.

Representative Austin noted that the City of Houston's sexually oriented business Ordinance was currently before the Fifth Circuit Court of Appeals and dependent upon that outcome, a determination could be made regarding Ordinance(s) of the same type.

Mr. Roger O'Dell, Model Cities El Paso, noted that the City of Houston would not be the final arbitrator on the matter and requested that the Ordinance be drafted specifically for the needs and harmful secondary effects affecting the community of El Paso, as it relates to sexually oriented businesses. He requested that the City not base the Ordinance language on other communities. He stated that Council Members and citizens both had diligently worked on the Ordinance language and requested that City staff locate the missing testimony from a sexually oriented business owner. He noted that the testimony would verify the

harmful secondary effects of sexually oriented businesses and its negative effects on the community. He provided a document to the City Clerk to provide copies to Council Members and any interested parties. He noted that the current Ordinance was not enforced and requested that a comprehensive Ordinance addressing all aspects of the harmful secondary effects of sexually oriented businesses be written to protect El Paso citizens.

Representative Rojas stated that no cassette tape or written Minutes had been located regarding the missing testimony.

Mr. O'Dell stated that it would behoove Council Members to continue investigating the whereabouts of the missing tape/document. He noted the name of the sexually oriented business owner as Dave Cooper and stated he would request Mr. Cooper come before Council to provide statements.

Representative Cobos questioned Ms. Richarda Momsen, City Clerk, regarding the missing tape and/or documents.

Ms. Momsen explained that due to equipment failure the recording of that meeting did not occur; however, she noted she had requested written Minutes from City staff; however, had not yet received those documents.

Mr. O'Dell noted that Model Cities of El Paso had requested and received a cassette copy of that meeting; however, when he played back the cassette, it was blank. He requested that a search for that particular cassette tape be conducted.

Mr. Carl Starr, Vice President ACLU, requested that Social Security numbers not be requested and that distinctions between on-site and off-site be clarified. He added that the ACLU was opposed to the entire contents of the Ordinance, as it would have a chilling effect on free expression.

Representative Lozano requested that City Attorney's office compare the Salt Lake City, Utah Ordinance to the current draft Ordinance and perhaps utilize some language.

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ORDINANCE 15540

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO THE EL PASO TIMES TO PERMIT THE TEMPORARY USE AND CLOSURE OF A PORTION OF PUBLIC RIGHT-OF-WAY ON SAN MARCIAL STREET BETWEEN GREAT BEAR COURT AND DELTA DRIVE FOR A 16TH OF SEPTEMBER STREET FESTIVAL ON SATURDAY, SEPTEMBER 13, 2003 THROUGH MONDAY, SEPTEMBER 15, 2003.**

There being no public comment, the vote was taken.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15541

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-03021 TO SATISFY PARKING REQUIREMENTS FOR PARCEL I, DESCRIBED AS LOTS 1 - 3, BLOCK 10, SAHARA, EL PASO, EL PASO COUNTY, TEXAS, BY ALLOWING OFF-SITE, OFF-STREET PARKING ON PARCEL II, DESCRIBED AS LOTS 18 AND 19, BLOCK 9, SAHARA, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.040 OF THE EL PASO MUNICIPAL CODE.**

Mr. Fred Lopez, Planning, Research and Development, explained the Special Permit request was to allow for off-site, off-street parking on Parcel II to serve a proposed expansion of the church on Parcel I and noted that the Department had received one letter in opposition. He stated that the DCC (Development Coordinating Committee) and the CPC (City Plan Commission) had approved the Special Permit request.

Pastor James Millender of That Marvelous Light church noted that the church had been in existence for 18 years and was trying to do something good and decent for the community of El Paso.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15542

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-03016, TO ALLOW FOR A CHURCH ON A SITE OF LESS THAN THREE ACRES ON A PORTION OF LOT 7, BLOCK 67, PEBBLE HILLS UNIT 7, EL PASO, EL PASO COUNTY, TEXAS (10560 MONTANA) PURSUANT TO SECTION 20.36.040.E (ZONING) OF THE EL PASO MUNICIPAL CODE.**

Mr. Fred Lopez, Planning, Research and Development, explained that the Special Permit would allow for a church on less than three acres, no opposition was noted and that the DCC (Development Coordinating Committee) and the CPC (City Plan Commission) had approved the item.

There being no further public comment, the vote was taken.

Motion duly made by Representative Power, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Resolution that the Mayor be authorized to sign an Amendment to the Contract between JOSEPH ABRAHAM, JR., ELIAS ABRAHAM, CALVIN KESSLER, GERALDINE KESSLER, W.J. MOORE, RITA MOORE, and AYOUB EXPORTS, First Party, MONTWOOD NATIONAL BANK, Second Party, and TEXAS COMMERCE BANK, Third Party, and the CITY OF EL PASO, Fourth Party, imposed by Ordinance No. 8903 and dated Jan. 6, 1987; as amended by that certain Contract by and between JOSEPH ABRAHAM, JR., ELIAS ABRAHAM, CALVIN KESSLER, GERALDINE KESSLER, W.J. MOORE, RITA MOORE, AYOUB EXPORTS, INC., LONE STAR ELECTRIC COMPANY, JOSE ANTONIO DEL LA TORRE, JOE V. MARROQUIN d/b/a/ EL PASO SNAX COMPANY, and KING'S AIRE INC., First Party, MONTWOOD NATIONAL BANK, Second Party, and TEXAS COMMERCE BANK, Third Party, and the CITY OF EL PASO, Fourth Party, dated Oct. 20, 1987; to replace Condition #2 *"Prior to issuance of a certificate of occupancy, the owner must provide a ten foot wide strip of landscaping within the property and adjacent to Kessler Drive, Castner Drive and Yermoland Drive..."* with the following Condition: *"Prior to issuance of a certificate of occupancy, the owner is required to landscape the parkway of Lot 13 to match the existing landscaping on the parkway of Lot 12"*; only on the property described as *Lots 12 & 13, Block 2, KESSLER INDUSTRIAL DISTRICT UNIT 1, El Paso, El Paso County, Texas*. Applicant / Representative: Armando & Elena Reyes, 540 Martha Way, El Paso, TX 79907

Mr. Fred Lopez, Planning, Research and Development, explained that the Amendment to the Contract was to release the condition "that the property owner provide a 10 foot wide strip of landscaping adjacent to Kessler Drive". He noted that the DCC (Developing Coordinating Committee) and CPC (City Plan Commission) had reviewed the request and recommended that the Council release the condition; however, add the following condition "that the applicant landscape the parkway of Lot 13 to match existing landscape on Lot 12". He noted that the CPC had recommended the additional condition.

Representative Rojas questioned whether the Department had received opposition.

Mr. Lopez responded no.

Representative Austin questioned whether or not the 10 foot wide strip had been paved as parking.

Mr. Lopez responded that the applicant felt it too challenging to remove the asphalt and therefore requested that the area be landscaped.

There being no further public comment, the vote was taken.

Motion made by Representative Rojas, seconded by Representative Cook and unanimously carried to approve the above Resolution.

ORDINANCE 15543

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM (TAX RESALE) DEED FOR .259 ACRES, MORE OR LESS, OUT OF SECTION 32, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY SURVEYS, BEING MORE PARTICULARLY DESCRIBED IN VOLUME 1198, PAGE 1171, DEED RECORDS OF EL PASO COUNTY, TEXAS.**

Ms. Carmen Perez, attorney with Delgado, Acosta, Spencer, Linebarger, Heard & Perez LLP, explained that the property had been 'struck off' since May 7, 2002 and that an offer had been received covering the full amount of back owed taxes.

There being no further public comment, the vote was taken.

Motion duly made by Representative Austin, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar and Rojas
NAYS: None Absent: None Not Present: Council Member Cobos

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15544

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM (TAX RESALE) DEED FOR .453 ACRES, MORE OR LESS, OUT OF LOT K, BLOCK 1, SOUTH PARKLAND CENTER, AN ADDITION TO THE CITY OF EL PASO, BEING MORE PARTICULARLY DESCRIBED IN VOLUME 1051, PAGE 1083, DEED RECORDS OF EL PASO COUNTY, TEXAS.**

Ms. Carmen Perez, attorney with Delgado, Acosta, Spencer, Linebarger, Heard & Perez LLP, explained that the property had been 'struck off' July, 1996, and that the opening bid at the tax sell was \$13,582.00, an offer for that full amount had been received, and noted the current value of the property was \$23,679.00.

There being no further public comment, the vote was taken.

Motion duly made by Representative Power, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
*Motion made, seconded and unanimously carried to delete an Ordinance authorizing the Mayor to execute a Quitclaim (Tax Resale) Deed for a portion of Tract 1, La Sierra Vista #2, Replat, An Addition to the City of El Paso, El Paso County, Texas.

.....
ORDINANCE 15545

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM (TAX RESALE) DEED FOR LOTS 16 AND 17, BLOCK 8, ALAMO ALTO TOWNSITE, AN ADDITION IN THE CITY OF EL PASO, TEXAS.**

Ms. Carmen Perez, attorney with Delgado, Acosta, Spencer, Linebarger, Heard & Perez LLP, explained that the property was located in the County of El Paso and was 'struck off' November, 1993, and added that the offeror had offered to pay back taxes, penalties, interest, plus an additional 10%.

There being no further public comment, the vote was taken.

Motion duly made by Representative Power, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None Not Present: Council Member Cushing

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
*Motion made, seconded and unanimously carried to delete a public hearing to determine if the property located at 10428 Lambda Dr., in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, C. F. Sanford AKA Clifton P. Sanford, and AKA C. P. Sanford and Hideko K. Sanford, have been notified of the violations at this property. Delinquent taxes in the amount of \$0.
.....

RESOLUTION

WHEREAS, the Interim Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 500 W. San Antonio Avenue AKA 504 ½ W. San Antonio Avenue, in El Paso, Texas, which property is more particularly described as follows:

A portion of Block 160, Campbell Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on File in Book 2, Page 68, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Hun Seo, 12224 Chisholm Pass Drive, El Paso, Texas 79936, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on September 2nd, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:

- a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
- b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- c. The structure's certificate of occupancy is hereby revoked; and
- d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.

2. That the City Council hereby orders Owner to comply with the following requirements:
 - a. That the structure be secured and maintained secure until rehabilitated within 30 days; and
 - b. That the premises be vacated, and all stored merchandise be removed within 30 days; and
 - c. That the premises be cleaned of all trash and debris within (30) days; and
 - d. That a public hearing be scheduled for October 28th, 2003 in the City Council chambers, to determine if the Council order has been complied with and, if not, to determine penalties; and
 - e. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
 - f. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - g. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure, vacate the building, remove all stored merchandise; and clean the premises of all trash and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Interim Director for Building Permits and Inspections shall secure the Building and maintain the Building secure, vacate the Building, remove all stored merchandise, and clean the premises of all trash and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure, vacating the Building, removing all stored merchandise, and cleaning the premises of all trash and debris; and
5. That the costs incurred by the City in connection with securing and maintaining the Building secure, vacating the Building, removing all stored merchandise, and cleaning the premises of all trash and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and

9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the department's recommendation(s). He responded to questions and comments from Representatives Cobos, Austin, Cushing and Mayor Joe Wardy and added that the Resolution did not address zoning violations.

Representative Austin suggested removing the language pertaining to the "warehouse" and that the Resolution stress the fire and safety code violations.

There being no further public comment, the vote was taken.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to accept the Department's recommendation as amended.

Representative Power was not present for the vote.

ADDITION TO THE AGENDA

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Planning and Project Management Services Agreement by and between the City of El Paso and Perspectiva + 3D/I, in connection with the 2000 Quality of Life (QOL) Bond Issue Program.

Motion made by Representative Cook, seconded by Representative Cobos and carried to approve the above Resolution.

AYES: Representatives Austin, Lozano, Cook, Power, Escobar, Rojas and Cobos
 NAYS: Representative Cushing
 Please see discussion on pages 18 and 19.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an agreement by and between the CITY OF EL PASO and the EL PASO ELECTRIC COMPANY for street lighting installation, operation and maintenance. Installations shall be on an as-needed basis, upon the request of the City.

***RESOLUTION**

WHEREAS, it is in the best interest of the City of El Paso for its employees to acquire and maintain job-related education and training; and

WHEREAS, the City recognizes that job related training and education are important for employee development and excellence in job performance; and

WHEREAS, providing tuition assistance not only benefits City employees but also the City and its citizens by increasing the level of services and professionalism provided to the citizens; and

WHEREAS, it is the policy of the City to share in the cost of such training and education, and to encourage City employees to acquire such education and training;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council adopt a Tuition Assistance Program which will supersede the current Tuition Reimbursement Program for City employees and authorize the necessary funding therefore in accordance with the policy and procedures set forth in Exhibit A attached hereto and made a part hereof.

.....
Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to delete the discussion and action to consider amendments to Ordinance No. 15113, relating to Bus Bench Franchise terms and penalties and to direct the City Attorney's Office to look at proposed amendments and present the Ordinance for introduction next week, September 9, 2003.

Representative Escobar was not present for the vote.

Representative Cushing questioned whether it would be permissible to make amendments to Ordinance 15113 and what the appropriate action would be.

Ms. Lisa A. Elizondo, City Attorney, requested Representative Cushing forward his proposed amendments to the City Attorney's office for review; however, added that during the Public Hearing phase of the Ordinance, the City Charter allows for floor amendments.

Mr. Raymond L. Telles, Assistant City Attorney, explained that the City Attorney's office had reviewed the agenda posting, not the subject of the changes. He suggested placing the matter on next City Council agenda for Introduction of an Ordinance.

.....
Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:06 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

G. Discussion and action regarding litigation involving Municipal Court Judges. (551.071)

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to adjourn the Executive Session at 10:38 a.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

Municipal Court Judge, Regina Arditti, explained that several lawsuits had been filed, both civil and criminal, against the Municipal Court Judges and requested that City Council hire independent counsel to defend the Judges. She was unsure as to an exact amount necessary to hire Mr. Joe Spencer, attorney, to represent the Municipal Court Judges in the criminal cases.

Representative Austin questioned whether or not the Municipal Court Judges were being named individually and whether or not a request to hire outside counsel to represent the Municipal Court Judges had been requested on a previous occasion.

Judge Arditti responded that the Judges were being named in their official capacity, as was the City, and provided comments regarding the civil lawsuits, filed in both Federal and State courts. She explained that the criminal cases had not yet been filed, technically, and due to the sensitive issues involved, the Municipal Court Judges were taking protective measures. Judge Arditti noted that this was the first time Municipal Court Judges had been named in criminal cases and due to the situation placed on the Judges by certain individuals; the Judges were requesting the Council's assistance.

Ms. Lisa A. Elizondo, City Attorney, responded that it would not be appropriate for the Judges to be present in Executive Session during the discussion regarding the proposed criminal matters.

Municipal Court Judge Maria Ramirez provided Council Members information regarding the civil and criminal lawsuits. She explained that certain individuals were proposing to file criminal lawsuits and to initiate a Court of Inquiry as these individuals felt the Judges had violated defendants rights, in their official capacities as Judges. She added that the City, the Mayor and the Council had been named in the civil case, currently being heard in Federal Court.

Representative Escobar questioned whether Judge Martinez had dismissed the civil case against the Municipal Court Judges.

Ms. Elizondo responded no.

Judge Ramirez noted that Judge Aguilar had directed the City to be prepared to discuss the manner way in which Municipal Court Judges hear indigent cases, which would determine whether or not a Court of Inquiry would be necessary.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to adjourn the Executive Session at 10:06 a.m. and motion made by Representative Cook, seconded by Representative Power to reconvene at the meeting of the City Council at 10:33 a.m., during which time the following Motion was made:

Representative Austin questioned Municipal Court Judge Regina Arditti whether it was the intention of the Municipal Court Judges to hire the services of one independent counsel to represent all Judges, collectively.

Judge Arditti responded yes and added that she had just handed City Attorney, Lisa Elizondo, a copy of an affidavit naming City Attorneys in this particular matter.

Representative Cobos read the Motion into the record, following the discussion and action on establishing a business registration procedure for annual tracking of active, type and scale of businesses.

Motion made by Representative Cobos, seconded by Representative Cushing to authorize the Municipal Court Judges to retain outside counsel to represent them in the proceedings related to the convening of a Court of Inquiry at a rate not to exceed \$150.00 per hour through September 8, 2003.

Municipal Court Judge Regina Arditti requested that additional costs, such as transcripts from those hearings, in addition to Mr. Spencer's legal work, be included in the Motion.

Ms. Elizondo amended the motion to include "that the City would pay for reasonable and associated costs through September 8, 2003".

Representative Cobos moved on the amendment to the motion. Representative Cushing seconded the amendment.

.....
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to authorize the Municipal Court Judges to retain outside counsel to represent them in the proceedings related to the convening of a Court of Inquiry at a rate not to exceed \$150.00 per hour through September 8, 2003, and that the City would pay for reasonable and associated costs through September 8, 2003.

.....
Motion made by Representative Austin, seconded by Representative Cobos and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:54 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

- A. Richard Chatterton, Jr. 02-C-283 (551.071)
- B. City and County properties located at or near the following addresses: 222 S. Campbell; 215 S. Campbell; 200 S. Campbell; 211 and 325 Shelter; 800-810 E. Overland; 821 E. Overland; 6314 Delta; and 1014 N. Stanton. (551.072)
- C. The Housing Authority of the City of El Paso vs. City of El Paso and Joe Wardy, Mayor of the City of El Paso, Appeal No. 08-03-00376-CV, in the Eighth District Court of Appeals, El Paso, Texas (551.071)
- D. Hearing before the State Board of Plumbing Examiners (551.071)
- E. Kristal Vargas (Montwood), 03-C-021 (551.071)
- F. Discussion and action on City property located at or near 8600 Montana. (551.072)

Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to adjourn the Executive Session at 12:36 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

.....
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the City Attorney be **AUTHORIZED TO REJECT SETTLEMENT OFFER PROPOSED BY RICHARD CHATTERTON, Jr.** in the claim entitled **Richard Chatterton, Jr.; Our File No. 02-C-283**, as recommended by the City Attorney.

.....
Motion made by Representative Cobos, seconded by Representative Cushing and carried that the Director of Purchasing be authorized to obtain an appraisal on each of the following properties and that the cost of each appraisal not exceed \$5,000:

Properties located at or near the following addresses:

222 S. Campbell
215 S. Campbell
200 S. Campbell
211 and 325 Shelter

.....
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the City Attorney to execute the Retention Agreement of Mounce, Green, Myers, Safi and Galatzan in the matter of the appeal pending in the Housing Authority of the City of El Paso vs. the City of El Paso and Joe Wardy, Mayor of the City of El Paso, Appeal No. 08-03-00376-CV, in the Eighth District Court of Appeals, El Paso, Texas.
.....

No action was taken on the Hearing before the State Board of Plumbing Examiners (551.071)
.....

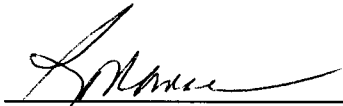
Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried that the claim entitled **KRISTAL VARGAS**, (Montwood Incident) Our File No. 03-C-021 be **DENIED** as recommended by the City Attorney.
.....

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the Director of Purchasing be authorized to obtain an appraisal of 8600 Montana Avenue and that the cost of the appraisal not exceed \$8,000.00.
.....

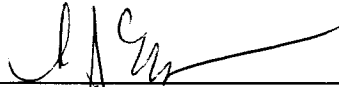
Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to adjourn this meeting at 12:41 p.m.
.....

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Richarda Duffy Momsen, City Clerk



Lisa A. Elizondo, City Attorney